S.B.Cr.Misc. Bail App. No. 5299/2007
(Prahlad Ram Vs. State of Rajasthan)

Date of order : 14/11/2007

HON'BLE MR.H.R.PANWAR, J.

Mr. B.S.Rathore, for the petitioner.

Mr. Ashok Upadhyay, Public Prosecutor.

Heard learned counsel for the petitioner and the Public Prosecutor for the State. Perused the order impugned and police investigation diary.

It is contended by learned counsel for the petitioner that the illicit liquor alleged to have been recovered from the Tanker in question of which the petitioner was neither driver nor the owner of the said tanker. The allegation against the present petitioner is that he has been trading in the illicit liquor, but at any rate, the illicit liquor which was alleged to have been recovered from the tanker was neither in possession of the petitioner nor owned by the petitioner.

Be that as it may, having regard to the facts and circumstances of the case and the fact that there is nothing on record to show that the petitioner was driver of the said tanker or was in possession of the said tanker at the relevant time, having considered the oral arguments advanced by both the parties, I think it just and proper to enlarge the accused petitioner on bail.

Accordingly, this bail application filed under Sec. 439 Cr.P.C. is allowed and it is directed that petitioner Prahlad Ram S/o Rugha Ram be released on bail in CR No. 94/07 P.S. Sinadari, district Barmer,

provided he executes a personal bond for a sum of Rs. 20,000/- with two sound and solvent sureties in the sum of Rs. 10,000/- each to the satisfaction of learned trial court for his appearance before that court on each and every date of hearing and whenever called upon to do so till the completion of the trial.

(H.R.PANWAR), J.

RP